

## House Bill 538 (COMMITTEE SUBSTITUTE)

By: Representatives Ballard of the 147<sup>th</sup>, Wade of the 9<sup>th</sup>, Erwin of the 32<sup>nd</sup>, Jones of the 47<sup>th</sup>, Gilliard of the 162<sup>nd</sup>, and others

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to  
2 elementary and secondary education, so as to provide for the "Georgia Early Literacy Act";  
3 to require the State Board of Education to approve high-quality instructional materials to be  
4 used for teaching students in kindergarten through third grade; to provide for the approval  
5 and use of universal reading screeners for all public school students in this state in  
6 kindergarten through third grade; to provide for the Department of Education to develop  
7 training for kindergarten through third grade teachers on the science of reading, structured  
8 literacy, and foundational literacy skills; to require all public school kindergarten through  
9 third grade teachers in this state to complete such training; to provide for annual reports by  
10 the Department of Education; to require local boards of education to approve high-quality  
11 instructional materials for students in kindergarten through third grade and to administer  
12 universal reading screeners multiple times each school year to students in kindergarten  
13 through third grade; to require reports of the results of such screeners to parents of students  
14 and to the Department of Education for analysis; to require reading intervention plans for  
15 students with significant reading deficiencies; to provide for norm-referenced formative  
16 reading assessments for students in first and second grades; to require the Professional  
17 Standards Commission to ensure students completing teacher certification programs have the  
18 knowledge and skills to teach reading; to provide for definitions; to provide for legislative

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19 findings and intent; to provide for a short title; to repeal conflicting laws; and for other  
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 (a) The General Assembly finds that:

24 (1) Third grade marks a pivotal point in reading, where students go from learning to read  
25 to reading to learn;

26 (2) A comprehensive approach to early literacy can ensure early identification of  
27 struggling readers and establish intensive reading intervention for students in kindergarten  
28 through third grade who need more support to become successful readers; and

29 (3) Reading proficiency at age eight is among the most accurate predictors for whether a  
30 student will graduate from high school and enjoy academic success thereafter.

31 (b) It is the intent of the General Assembly:

32 (1) That all students read on grade level by the end of third grade; and

33 (2) To create a literate and workforce ready citizenry.

34 **SECTION 2.**

35 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and  
36 secondary education, is amended in Part 3 of Article 6, relating to educational programs  
37 under the "Quality Basic Education Act," is amended by adding a new Code section to read  
38 as follows:

39 "20-2-153.1.

40 (a) This Code section shall be known and may be cited as the 'Georgia Early Literacy Act.'

41 (b) As used in this Code section, the term:

42 (1) 'Board' means the State Board of Education.

- 43 (2) 'Department' means the Department of Education.
- 44 (3) 'Foundational literacy skills' means phonological awareness, phonemic awareness,  
45 phonics, fluency, vocabulary, reading comprehension, spelling, oral language, and the  
46 intersection of reading and writing.
- 47 (4) 'High-quality instructional materials' means instructional materials aligned to the  
48 science of reading that instruct students in grade-level reading and foundational literacy  
49 skills.
- 50 (5) 'Individual reading improvement plan' means a plan that describes the evidence based  
51 reading intervention services a student will receive to remediate such student's reading  
52 deficit and to ensure that such student becomes proficient in foundational literacy skills.
- 53 (6) 'Reading intervention' means evidence based strategies frequently used to remediate  
54 reading deficiencies and includes, but is not limited to, individual instruction,  
55 multisensory approaches, tutoring, mentoring, or the use of technology that targets  
56 specific reading skills and abilities.
- 57 (7) 'Science of reading' means the body of research that identifies evidence based  
58 approaches of explicitly and systematically teaching students to read, including  
59 foundational literacy skills that enable students to develop reading skills required to meet  
60 state standards in literacy.
- 61 (8) 'Significant reading deficiency' means for students in kindergarten through third  
62 grade that such student's score on a universal reading screener is within the range of  
63 scores determined by the department to demonstrate a lack of proficiency in foundational  
64 literacy skills.
- 65 (9) 'Structured literacy' means an evidence based approach to teaching oral and written  
66 language aligned to the science of reading founded on the science of how children learn  
67 to read and characterized by explicit, systematic, cumulative, and diagnostic instruction  
68 in phonology, sound-symbol association, syllable instruction, morphology, syntax, and  
69 semantics.

70 (10) 'Universal reading screener' means a uniform tool that screens and monitors a  
71 student's progress in foundational literacy skills that is administered to students multiple  
72 times during the school year.

73 (c)(1)(A) As soon as practicable but not later than January 1, 2024, the board shall  
74 approve high-quality instructional materials to be used for teaching students in  
75 kindergarten through third grade to read.

76 (B) The board shall consider locally approved instructional materials and content as  
77 defined in subsection (a) of Code Section 20-2-1017 submitted by any public school or  
78 local school system and shall timely determine whether to approve such materials as  
79 high-quality instructional materials.

80 (2)(A) As soon as practicable but not later than January 1, 2024, the board shall  
81 establish qualifications, time lines, and submission procedures for education service  
82 providers to submit one or more universal reading screeners to be considered for  
83 inclusion on the board's list of approved universal reading screener providers provided  
84 for in subparagraph (B) of this paragraph.

85 (B) As soon as practicable but not later than July 1, 2024, the board shall approve a list  
86 of universal reading screeners for use by public schools and local school systems as part  
87 of their comprehensive literacy programs which meet the following criteria:

88 (i) Capable of providing relevant information to assist teachers with targeting  
89 instruction based on student needs;

90 (ii) Capable of measuring foundational literacy skills;

91 (iii) Capable of identifying students who have a significant reading deficiency,  
92 including, but not limited to, identifying students with characteristics of dyslexia;

93 (iv) Prescribed parameters on the time required to administer universal reading  
94 screener with the primary objective of such prescription being to minimize impacts  
95 on instructional time; and

96 (v) Capable of progress monitoring.

97 (3)(A) As soon as practicable but not later than August 1, 2024, the department shall  
98 publish on its website a list of board approved providers of universal reading screeners  
99 for use by public schools and local school systems, including the free universal reading  
100 screeener provided by the department.

101 (B) The department shall provide a universal reading screener that meets the criteria  
102 established by the board as provided in subparagraph (B) of paragraph (2) of this  
103 subsection. Such universal reading screener shall be made available for use free of  
104 charge to public schools and local school systems and shall be included on the list  
105 provided for in subparagraph (A) of this paragraph.

106 (4) The department shall, in consultation with the University System of Georgia, the  
107 Professional Standards Commission, the Office of Student Achievement, Georgia's  
108 Regional Education Service Agencies, and literacy experts, develop one or more training  
109 programs for kindergarten through third grade teachers on the science of reading,  
110 structured literacy, and foundational literacy skills that enable students to develop reading  
111 skills required to meet state standards in literacy. Such training programs shall be  
112 developed to promote teachers' knowledge and skills for teaching all students to read,  
113 including students with dyslexia, and to ensure teachers have the knowledge and skills  
114 necessary to use approved universal reading screeners and to use assessment data to  
115 inform instruction based on student needs.

116 (5) The department shall provide technical assistance to aid public schools and local  
117 school systems in implementing the provisions of this Code section.

118 (6) Beginning April 1, 2026, the department shall provide an annual report on the  
119 impacts of the implementation of the provisions of this Code section, including, but not  
120 limited to, reporting the results by school and school system of:

121 (A) The research based formative assessments with a summative component that is tied  
122 to performance indicators in English language arts/reading in grades one and two  
123 provided for in subsection (a) of Code Section 20-2-281;

124 (B) The comprehensive summative assessment program for third grade students  
 125 provided for in subsection (a) of Code Section 20-2-281;

126 (C) The nationally-norm referenced instruments in reading for third grade students  
 127 provided for in subsection (a) of Code Section 20-2-281; and

128 (D) The norm-referenced formative reading assessments for first and second grade  
 129 students provided for in Code Section 20-2-280.

130 Such report shall also include analyses of the the impact of use of universal reading  
 131 screeners, the use of high-quality instructional materials, and instructional practices  
 132 grounded in the science of reading. Such report shall be provided to the Governor, the  
 133 President of the Senate, the Speaker of the House of Representatives, the chairperson of  
 134 the House Committee on Education, the Senate Education and Youth Committee, the  
 135 House Committee on Higher Education, the Senate Higher Education Committee, and the  
 136 board, and shall be made available on the department's website for access by the public.

137 (d) By December 1, 2024, local boards of education and public school governing bodies  
 138 shall:

139 (A) Approve high-quality instructional materials for students in kindergarten through  
 140 third grade that have been approved by the State Board of Education; provided,  
 141 however, that if a local board of education or governing body has submitted  
 142 instructional materials to the State Board of Education for consideration as provided for  
 143 in subparagraph (c)(1)(B) of this Code section and the State Board of Education has not  
 144 made the required determination, then such local board of education or governing body  
 145 shall not be deemed to be out of compliance with the provisions of this paragraph; and

146 (B) Ensure that all instructional materials used to teach students in kindergarten through  
 147 third grade to read are high-quality instructional materials.

148 (2)(A) Each public school and local school system shall provide instructional support  
 149 for kindergarten through third grade teachers that shall include:

- 150 (i) Onsite teacher training on the science of reading, structured literacy, foundational  
151 literacy skills, and evidence based decision making;
- 152 (ii) Demonstrated lessons; and
- 153 (iii) Immediate feedback for improving instruction.
- 154 (B)(i) Any public school or local school system claiming that a lack of sufficient  
155 funding prevents such public school or local school system from providing  
156 instructional support as required in subparagraph (A) of this paragraph shall promptly  
157 and in writing notify the Department of Education and shall describe all efforts such  
158 school or school system has undertaken to secure sufficient funding from local, state,  
159 federal, and private sources.
- 160 (ii) The Department of Education shall provide technical assistance and other  
161 guidance to public schools and local schools systems in identifying local, state,  
162 federal, and private funding sources to provide for instructional support as required  
163 in subparagraph (A) of this paragraph.
- 164 (3)(A) Beginning August 1, 2024, three times each school year each public school and  
165 local school system shall administer a universal reading screener to each student in  
166 kindergarten through third grade, with the first administration occurring within 30 days  
167 of the beginning of the school year; provided, however, that for students in first and  
168 second grades such public school or local school system shall be authorized to  
169 substitute one administration of a universal reading screener with an administration of  
170 a norm-referenced formative reading assessment provided for in Code Section  
171 20-2-280.
- 172 (B) Each public school or local school system shall be authorized to administer a free  
173 universal reading screener provided by the department or a universal reading screener  
174 approved by the board.
- 175 (C) After each administration of a universal reading screener, each public school or  
176 local school system shall report the results to:

177 (i) Parents and guardians of students who participated in the administration; and

178 (ii) The department for analysis.

179 (D) The results of the universal reading screeners administered to students shall not be  
180 used as part of any education assessment accountability program provided for in  
181 Article 2 of Chapter 14 of this title.

182 (4)(A) Beginning August 1, 2024, any public school student in kindergarten through  
183 third grade who at any time during the school year exhibits a significant reading  
184 deficiency, as measured by performance on universal reading screener approved by the  
185 board, shall receive an individual reading improvement plan no later than 30 days after  
186 the identification of such deficiency. Such individual reading improvement plan shall  
187 be created by the student's teacher, school principal, and other school personnel  
188 designated by the school principal and shall describe the evidence based reading  
189 intervention services the student will receive to remedy the reading deficit and ensure  
190 the student becomes proficient in foundational literacy skills. Such individual reading  
191 improvement plan may be included as part of the school's multi-tiered system of  
192 supports or response to intervention frameworks.

193 (B) Each student who receives an individual reading plan shall receive intensive  
194 reading intervention until such student no longer has a significant reading deficiency.

195 (C) The parent or guardian of any student in kindergarten through third grade who at  
196 any time during the school year exhibits a significant reading deficiency shall be  
197 notified in writing by the student's school no later than 15 days after the identification  
198 of such deficiency, and such written notification shall include:

199 (i) That the student has been identified as having a significant reading deficiency, and  
200 an individual reading improvement plan will be developed by the student's teacher,  
201 school principal, and other school personnel designated by the school principal;

202 (ii) Results of the student's performance on the universal reading screeners  
203 administered to date;

- 204 (iii) A description of the current services that are provided to the student;  
 205 (iv) A description of proposed evidence based reading interventions and  
 206 supplemental instructional services and supports that will be provided to the student  
 207 that are designed to remedy the identified area or areas of significant reading  
 208 deficiency to ensure the student becomes proficient in foundational literacy skills;  
 209 (v) Notification that the parent or guardian will be informed in writing of the  
 210 student's progress toward grade level reading; and  
 211 (vi) Strategies for parents to use at home to help their child succeed in reading.  
 212 (5) By July 1, 2025, all kindergarten through third grade teachers shall complete a  
 213 training program developed pursuant to paragraph (c)(4) of this Code section.  
 214 (e) Nothing in this Code section shall be construed to abrogate or otherwise affect the  
 215 operation or application of the federal Individuals with Disabilities Education Act (IDEA)  
 216 or Section 504 of the federal Rehabilitation Act of 1973."

217 **SECTION 3.**

218 Said chapter is further amended Part 12 of Article 6, relating to effectiveness of educational  
 219 programs under the "Quality Basic Education Act," by revising Code Section 20-2-280,  
 220 which was previously reserved, as follows:

221 "20-2-280.

222 (a) The State Board of Education shall adopt a norm-referenced formative reading  
 223 assessment for students in first and second grades at the discretion of public schools and  
 224 local school systems.

225 (b) After each administration of such assessments, each public school or local school  
 226 system shall report the results to:

227 (1) Parents and guardians of students who participated in the administration; and

228 (2) The Department of Education for analysis.

229 (c) The results of the assessments administered to students as provided for in  
230 subsection (b) this Code section shall not be used as part of any education assessment  
231 accountability program provided for in Article 2 of Chapter 14 of this title. Reserved."

232

**SECTION 4.**

233 Said chapter is further amended in Part 10 of Article 17, relating to professional standards,  
234 by striking "and" at the end of paragraph (3), by replacing the period with "; and" at the end  
235 of paragraph (4), and by adding a new paragraph to subsection (b) of Code Section 20-2-984,  
236 relating to Professional Standards Commission — authority to create and implement  
237 standards and procedures for certifying educational personnel, recommending standards and  
238 procedures for certification, continuation of teaching certificates, and restrictions, to read as  
239 follows:

240 "(5) The creation of standards designed to ensure that postsecondary students completing  
241 teacher certification programs in this state graduate with the knowledge and skills  
242 necessary to teach reading."

243

**SECTION 5.**

244 All laws and parts of laws in conflict with this Act are repealed.